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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,088	02/17/2004	Binh T. Nguyen	0112300-1538	9894

7590  
Bell, Boyd & Lloyd LLC  
P.O. Box 1135  
Chicago, IL 60690-1135

06/13/2007

EXAMINER
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DEODHAR, OMKAR A

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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06/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date  
:11/19/04,12/13/04,2/28/05,5/27/05,2/13/06.

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## Office Action Summary

**Application No.**

10/780,088

**Applicant(s)**

NGUYEN ET AL.

**Examiner**

Omkar A. Deodhar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/13/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Non-Final Rejection**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 2-5, 8-14 and 21 are rejected under 35 U.S.C. 102 (b) as being anticipated by Yoseloff et al. (US 6,311,976 hereafter: Yoseloff).**

Regarding claim 1, Yoseloff discloses the following:

A gaming device with a display, (Abstract);

Primary game operable upon a wager, (Abstract);

Primary game that provides gaming elements for the secondary game regardless of primary game outcomes, (Col. 7 & 8); Please note that bonus games are interpreted as secondary games. Additionally, bonus games are clearly triggered by events occurring during the primary game. Regardless of the primary game's outcome, elements are provided for the bonus game to take place.

The winning outcome of a bonus game (non-monetary or monetary) is based on elements of the primary game.

Regarding claims 2-5, Yoseloff discloses features as presented above and additionally:

Primary game including a random event (random outcome);

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Secondary game based on amounts wagered in primary game (sequence of events triggers a bonus game and this sequence of events is initiated by a wager); See also Col. 7. Lines 36-40;

Awards associated with outcomes (Col. 7.);

Regarding claims 8-14 and 21, Yoseloff discloses features as presented above and additionally:

Progressive type awards, (Col. 9. Lines 12-20);

Pay tables (Col. 15. Lines 8-15); please note Yoseloff discloses these as look-up tables.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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**Claims 19 and 22-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff et al. (US 6,311,976 hereafter: Yoseloff).**

Regarding claim 19, Yoseloff discloses various wagering games that use playing cards, (Col. 1. Lines 49-60). Please also refer to Yoseloff's disclosure regarding the background art. There are numerous gaming machines described that feature various versions of card games.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's disclosure to feature card games in all of Yoseloff's embodiments for the purpose of providing additional games of chance and creating numerous forms of bonus game play based on popular games such as Poker.

Regarding claims 22-30, please refer to the rejections discussed above.

**Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff et al. (US 6,311,976 hereafter: Yoseloff) in view of Nakata et al. (US 7,094,147 hereafter: Nakata).**

Regarding claim 20, Yoseloff discloses features as presented above, but is silent regarding a secondary game featuring a Tetris game.

In a related invention, Nakata discloses a game system with embodiments featuring various versions of Tetris, (Col. 1. Lines 19-30).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's disclosure to incorporate a bonus round featuring the game of Tetris for the purpose of invoking player skill and strategy to determine award payoffs in bonus rounds.

**Claims 6, 7, 15-18 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoseloff et al. (US 6,311,976 hereafter: Yoseloff) in view of DeMar et al. (US 6,315,660 hereafter: DeMar).**

Regarding claims 6, 7 and 15-18, Yoseloff discloses features as presented above, however is seemingly silent regarding secondary pay tables associated with secondary games and associated with secondary wagers.

In a related invention, DeMar discloses a gaming machine with a board game theme. Specifically, DeMar discloses the board game of Monopoly, playable on a gaming machine. DeMar's disclosure is detailed with respect to secondary/bonus game embodiments.

DeMar discloses an embodiment in which the secondary/bonus game gives the player the opportunity to make side bets (Col. 13. Lines 55-67 & Col. 14. Lines 55-58). It is also noted that the bonus pay off inherently depends on amounts wagered in primary games. Additionally, a player is free to make side bets from awards received from play of the basic game.

DeMar discloses pay tables associated with primary and bonus game embodiments, (Tables A-1, A-3, B-1, B3, for example).

Therefore, it would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's disclosure to incorporate features of secondary game wagers and pay tables into the device of Yoseloff for the purpose of increasing bonus awards during a bonus round.

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Regarding claim 18, Yoseloff is silent regarding a secondary display for displaying a secondary game.

DeMar discloses a secondary display for displaying additional games, (Figure 1).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's disclosure to incorporate a secondary display for the purpose of communicating game information more efficiently.

Regarding claims 31 and 34, Yoseloff discloses features as presented above, however is silent regarding the specific methods of operating gaming devices, as claimed.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of Applicant's disclosure to incorporate the specific methods used for operating the gaming device for the purpose of maximizing both the efficiency of the gaming system and entertainment provided to the player.

Regarding claims 32-33 and 35-36, Yoseloff discloses usage of data networks and the Internet, (Col. 14. Lines 25-30).

### **Remarks**

No claim is allowed.

### **Conclusion**

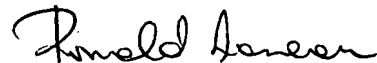
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F 8AM-4:30PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAD

  
RONALD LANEAU  
PRIMARY EXAMINER

6/8/07